



DOCKET NO.: M1015.70054US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cynthia C. Bamdad et al.
Serial No.: 10/763,810
Confirmation No.: 5010
Filed: January 23, 2004
For: DETECTION OF BINDING SPECIES WITH COLLOIDAL AND NON-COLLOIDAL STRUCTURES
Examiner: Not Yet Assigned
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29th day of November 2004.

Signature

Mail Stop Missing Parts
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition Under 37 CFR §1.47 for Acceptance of Declaration for Patent Application With One Inventor Refusing to Sign

1. Attorney for the Assignee respectfully requests that the United States Patent and Trademark Office, pursuant to 35 USC §16 and 37 CFR §1.47 accept the attached Declaration for Patent Application signed by one inventor and on behalf of the second inventor.

2. Co-inventor Shoshana Bamdad Shendelman has refused to sign the Declaration for Patent Application. On several occasions Ms. Shendelman has stated that she does not feel she should be required to take the time to sign the declaration.

3. On July 7, 2004, Dr. Timothy Oyer, attorney for the assignee, spoke with Ms. Shendelman via telephone, and Ms. Shendelman stated that she would think about signing the declaration (and others) and would respond at a later time to Dr. Oyer. On July 19, 2004 Dr.

Oyer received a voicemail message from Ms. Shendelman and her husband, Vlad Shendelman, asking Dr. Oyer to return the call at a particular phone number. On August 4, 2004 Dr. Oyer dialed the abovementioned particular phone number, which connected to Vlad Shendelman's office (where Mr. Shendelman practices law) and spoke with Mr. Shendelman, who told Dr. Oyer that he should contact attorney Robert DiLibero regarding this matter. On August 24, 2004, in a voicemail message, Mr. DiLibero requested that various assignments and declarations, including the present declaration, be emailed to him. All such documents were emailed to Mr. DiLibero the same day. On August 27, 2004, Mr. DiLibero stated, in a telephone conversation with Dr. Oyer, that Ms. Shendelman was refusing to sign the documents. On October 6, 2004, a copy of the present patent application papers, including a specification, claims, drawings, and Declaration for Patent Application were sent by courier from Stephen Finch, Esq., of Dr. Oyer's office, to Robert DiLibero, with a letter asking for Ms. Shendelman's signature on the Declaration, and indicating that if no reply were received by October 15, 2004, Dr. Oyer's office would assume that Ms. Shendelman refused to sign. Neither Ms. Shendelman nor Mr. DiLibero responded to the written request for signature.

4. Ms. Shendelman's most recent known address is:

Shoshana Bamdad Shendelman
275 West 96th
Apt. 18F
New York, NY 10025

5. Mr. DiLibero's most recent known address is:

Robert DiLibero, Esquire
500 Commercial Street
Suite 4R
Boston, MA 02109

A check is not enclosed. The Commissioner is hereby authorized to charge the petition fee of \$200.00, and any additional necessary fees to the Deposit Account 23/2825.

Serial No.: 10/763,810

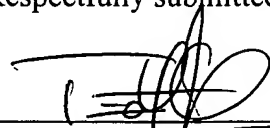
- 3 -

Confirmation No.: 5010

It is respectfully requested that the Petition be granted.

Respectfully submitted,

By:



Stephen R. Finch, Reg. No.: 42,534

Timothy J. Oyer, Ph.D., Reg. No.: 36,628

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

Telephone: (617) 646-8000

Docket No.: M1015.70054US01

Date: November 29, 2004

x11/29/04x